

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

H.B. Fuller Company, a Minnesota corporation,

Plaintiff,

v.

United States Fire Insurance Company, a
a Delaware corporation, and International
Insurance Company, n/k/a TIG Insurance Company
a California corporation,

Defendants.

United States Fire Insurance Company,
a Delaware corporation,

Third-Party Plaintiff,

v.

Allstate Insurance Company as successor to
Northbrook Insurance Company, an Illinois
corporation; First State Insurance Company, a
Connecticut corporation; and National Union
Insurance Company of Pittsburgh, Pennsylvania,
a Pennsylvania corporation,

Third-Party Defendants.

H.B. Fuller, a Minnesota Corporation,

Rule 14(a) Claimant,

v.

Allstate Insurance Company as successor to
Northbrook Insurance Company, an Illinois
Corporation; and First State Insurance Company,
a Connecticut corporation,

Rule 14(a) Defendants.

Civil Action No.
09-2827 JRT/JJG

CERTAIN INSURERS' CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Westchester Fire Insurance Company on behalf of United States Fire Insurance Company, Allstate Insurance Company as successor to Northbrook Insurance Company, and TIG Insurance Company, as successor by merger to International Insurance Company (collectively, "Certain Insurers") hereby cross-move for partial summary judgment that application of the "pro rata by time on the risk" allocation to certain underlying products liability cases requires plaintiff H.B. Fuller Company ("Fuller") to pay the pro rata share of any settlement or judgment that is allocable to Fuller's now-insolvent insurance carriers.

This motion is based on all the pleadings submitted herein, the accompanying Memorandum in Support of Cross-Motion for Partial Summary Judgment, and other such evidence and argument as may be presented to the Court in connection with this motion pursuant to the Local Rules.

WHEREFORE, Certain Insurers respectfully request that this Court grant partial summary judgment in favor of Certain Insurers and against Fuller.

DATED: February 24, 2011

Respectfully submitted,

/s/ Leslie A. Davis

James T. Martin (#68044)

Gislason, Martin, Varpness & Janes, P.A.

7600 Parklawn Avenue South

Suite 444

Edina, MN 55435

(952) 831-5793

Paul W. Kalish (D.C. Bar # 413050)

Leslie A. Davis (D.C. Bar # 481138)

Crowell & Moring LLP

1001 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

(202) 624-2500

Admitted Pro Hac Vice

Attorneys for Westchester Fire Insurance Company, on behalf of U.S. Fire Insurance Company with respect to policies of insurance issued to H.B. Fuller by U.S. Fire

Peter G. Van Bergen, Esq.
Cousineau McGuire Chartered
1550 Utica Avenue South, Suite 600
Minneapolis, MN 55416
Phone: (952) 546-8400

Robert R. Anderson III, Esq.
Daniel A. Waitzman, Esq.
Adam K. Snyder
Hughes Socol Piers Resnick & Dym, Ltd.
70 West Madison Street, Suite 4000
Chicago, IL 60602
Phone: (312) 580-0100

Attorneys for Allstate Insurance Company, solely as successor in interest to Northbrook Excess and Surplus Insurance Company, formerly known as Northbrook Insurance Company

John M. Anderson, Esq.
Janine M. Luhtala, Esq.
Bassford Remele, P.A.
33 South Sixth Street, Suite 3800
Minneapolis, MN 55402-3707
(612) 333-3000
(612) 333-8829

Attorneys for TIG Insurance Company, as successor by merger to International Insurance Company